

Article 7: Elections, Campaign Finance and Lobbying

Division 10: Initiative

(“Initiative” renumbered from Division 25
on 7-26-1999 by O-18664 N.S.)

§27.1001 Subjects of Initiative

Any proposed legislative act or proposed amendment or repeal of an existing legislative act may be submitted to the *City Council* by an initiative *petition* filed in the Office of the *City Clerk*. The *City Council* may also submit a proposed legislative act, or proposed amendment or repeal of an existing legislative act, to the *voters* without having first received a *petition* therefor.
(“Subjects of Initiative” renumbered from Sec. 27.2501 and amended 7-26-1999 by O-18664 N.S.)

§27.1002 Notice of Intention to be Published

An initiative *petition* may not be circulated for signatures until the *proponent* has published at least once in a daily newspaper of general circulation a notice of intention to do so. The notice of intention shall contain the proposed legislative act in full and the statement of reasons for the *petition* prepared in accordance with Section 27.1010.
(Renumbered from Sec. 27.2504, retitled to “Notice of Intention to be Published” and amended 7-26-1999 by O-18664 N.S.)

§27.1003 Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with Clerk

- (a) Within ten calendar days after publication of the notice of intention to circulate an initiative *petition* for signatures, the *proponent* shall file:
- (1) a copy of the notice, as published;
 - (2) the statement of reasons prepared in accordance with Section 27.1010 and the signature of the individual initiating the proposed legislative act or, if the *proponent* is an organization, the signatures of two officers of the organization; and
 - (3) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the *City Clerk's* verification of publication.

- (b) All documents specified in Section 27.1003(a) shall be filed in the Office of the City Clerk.

(Amended 7-18-2000 by O-18826 N.S.)

§27.1004 Initiative Petition Circulators

An initiative *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U.S. citizen and at least 18 years old.

(Amended 7-18-2000 by O-18826 N.S.)

§27.1007 Time to Begin Circulating Initiative Petition

An initiative *petition* may not be circulated for signatures until:

- (a) the twenty-first calendar day after publication of the notice of intention; and
- (b) the filing requirements of Section 27.1003 have been met.

(Renumbered from Sec. 27.2506, retitled to "Time to Begin Circulating Initiative Petition" and amended 7-26-1999 by O-18664 N.S.)

§27.1008 Contents of Initiative Petition

- (a) Initiative *petition* forms shall be furnished by the *proponent*.
- (b) The initiative *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.
- (c) The initiative *petition* may consist of any number of sections. Each section shall contain items specified in Section 27.1008(c)(1) through (4) in the order specified:
- (1) One or more sheets setting forth the proposed legislative act in full, prepared in accordance with Section 27.1009.
 - (2) A statement of reasons for the *petition*, prepared in accordance with Section 27.1010.
 - (3) One or more *voter* signature sheets, prepared in accordance with Section 27.1011. Any number of *voter* signature sheets may be incorporated into a *petition* section.

- (4) A *circulator's* affidavit of authenticity, prepared and signed in accordance with Section 27.1014.
- (d) The sheets comprising each initiative *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.
(Renumbered from Sec. 27.2509, retitled to “Contents of Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1009 Form of Initiative Petition

Any *petition* initiating a proposed legislative act shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

INITIATIVE PETITION

To the Honorable City Council of The City of San Diego:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

(NOTE: Here insert a copy of the published notice of intention containing the proposed legislative act in full and the statement of reasons prepared in accordance with Section 27.1010; the *voter* signature sheets prepared in accordance with Section 27.1011; and the *circulator's* affidavit of authenticity prepared in accordance with Section 27.1014.)

(Renumbered from Sec. 27.2508, retitled to “Form of Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1010 Form of Statement of Reasons for Initiative Petition

The statement of reasons shall set forth the reasons for the initiative *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual initiating the proposed legislative act or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

(“Form of Statement of Reasons for Initiative Petition” added 7-26-1999 by

O-18664 N.S.)

§27.1011 Form of Voter Signature Sheets for Initiative Petition

- (a) On the right hand of each *voter* signature sheet, a space at least one inch wide shall be left blank for the City *Clerk's* use in verifying the validity or invalidity of the signatures. *Voter* signature sheets shall be arranged and lined to provide space for each *voter's* signature, each *voter's* printed name, place of each *voter's* residence, and date of each *voter's* signature.
- (b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC
THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER
OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.”

- (c) The signature portion of the sheet shall be in substantially the following form:

Name	Residence	Date	Clerk's Use Only
<u>1. Sign</u> Print			
<u>2. Sign</u> Print			
<u>3. Sign</u> Print			

(“Form of Voter Signature Sheets for Initiative Petition” added 7-26-1999 by O-18664 N.S.)

§27.1012 Signing Voter's Information for Initiative Petition

Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post Office box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that *voter's* signature invalid.

(Renumbered from Sec. 27.2512, retitled to “Signing Voter's Information for

Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1013 Circulator’s Affidavit of Authenticity for Initiative Petition

Each initiative *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws.
(“*Circulator’s Affidavit of Authenticity for Initiative Petition*” added 7-26-1999 by O-18664 N.S.)

§27.1014 Form of Circulator’s Affidavit of Authenticity for Initiative Petition

The *circulator’s* affidavit of authenticity shall have the following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO) I
STATE OF CALIFORNIA) ss.

Under penalty of perjury, I, (printed name of *circulator*), declare: That all of the signatures on the voter signature sheets of this petition section were made in my presence and were observed by me; that all of the sheets constituting this petition section were fastened together at the time such signatures were made; that, to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition; and that the signatures were obtained between:

_____	AND	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator’s Printed Name)		(Circulator’s signature)
_____		_____
(Circulator’s Residence)		(Date Signed by Circulator)

(Renumbered from Sec. 27.2510, retitled to “Form of Circulator’s Affidavit of Authenticity for Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1017 Signatures on Initiative Petition

Only *voters* may sign the *voter* signature sheets of an initiative *petition*. Signatures of individuals who are not *voters* shall be invalid.

(Renumbered from Sec. 27.2511, retitled to “Signatures on Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1018 Withdrawal of Signature from Initiative Petition

Any individual who has signed an initiative *petition’s voter* signature sheet person may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the Office of the City *Clerk* prior to the time the *petition* is filed.

(Renumbered from Sec. 27.2519, retitled to “Withdrawal of Signature from Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1019 Time for Submitting Initiative Petition to Clerk

An initiative *petition* may be submitted to the Office of the City *Clerk* any time within 180 calendar days following the publication of the notice of intention to circulate.

(“Time for Submitting Initiative Petition to Clerk” added 7-26-1999 by O-18664 N.S.)

§27.1020 Submitting Initiative Petition to Clerk

- (a) The initiative *petition* shall be submitted to the Office of the City *Clerk* by the *proponent* of the initiative or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.
- (b) Six copies of the initiative *petition* with unsigned *voter* signature sheets shall be submitted to the Office of the City *Clerk* at the same time as the *petition* is submitted pursuant to this section.

(Renumbered from Sec. 27.2513, retitled to “Submitting Initiative Petition to Clerk” and amended 7-26-1999 by O-18664 N.S.)

§27.1021 Acceptance or Rejection of Initiative Petition as Filed

- (a) The City *Clerk* shall not accept an initiative *petition* that is not in substantial compliance with this division.

- (b) When the initiative *petition* is submitted, the City *Clerk* shall determine that calendar day the number of signatures affixed prima facie to the *petition*.
 - (1) If the City *Clerk* determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City *Clerk* shall accept the *petition* as filed.
 - (2) If the City *Clerk* determines that the number of signatures, prima facie, is fewer than the minimum number required, the City *Clerk* shall reject the *petition* and treat it as not filed.
- (c) Any initiative *petition* sections not accepted as filed in accordance with Section 27.1021 shall be void for all purposes.
 (“Acceptance or Rejection of Initiative Petition as Filed” added 7-26-1999 by O-18664 N.S.)

§27.1022 Verification of Initiative Petition Signatures; Time; Random Sampling

- (a) The City *Clerk* shall be allowed a period of thirty calendar days after an initiative *petition* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in the California Elections Code may be used for verification of signatures.
- (c) To determine the sufficiency or insufficiency of an initiative *petition*, the City *Clerk* shall only count valid signatures.
- (d) If the *circulator*’s affidavit of authenticity for any given initiative *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

(Renumbered from Sec. 27.2514, retitled to “Verification of Initiative Petition Signatures; Time; Random Sampling” and amended 7-26-1999 by O-18664 N.S.)

§27.1025 Challenges to Verification of Initiative Petition Signatures

- (a) By submitting a written request to the City *Clerk*, any *voter* of The City of San Diego may challenge the determination of the sufficiency or insufficiency of an initiative *petition* for which signatures were verified by the random sampling method provided for in Section 27.1022(b).

- (b) Any *voter* making a challenge under Section 27.1025(a) must post with the City Clerk such amount of money as is required to fully pay the cost of further verification.
- (c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the City Clerk's certification of the sufficiency or insufficiency of the initiative *petition* determined in accordance with Section 27.1026.
- (d) If the challenge is received and the required payment is made within the time specified, the City Clerk shall proceed to verify the validity or invalidity of each signature on the initiative *petition*.
(*"Challenges to Verification of Initiative Petition Signatures"* added 7-26-1999 by O-18664 N.S.)

§27.1026 Clerk's Certification of Sufficiency or Insufficiency of Initiative Petition

If the City Clerk finds an initiative *petition* to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the *petition* is sufficient, and qualifies for presentation to the City Council pursuant to Section 27.1031, or for submittal to the *voters* pursuant to Section 27.1033. If the City Clerk finds an initiative *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the *petition* is insufficient, and does not qualify for submittal to the City Council pursuant to Section 27.1031, or for submittal to the *voters* pursuant to Section 27.1033.

(*"Clerk's Certification of Sufficiency or Insufficiency of Initiative Petition"* added 7-26-1999 by O-18664 N.S.)

§27.1027 Notice of Sufficiency of Initiative Petition

When an initiative *petition* has been certified as sufficient, the City Clerk shall send a notice of sufficiency to the *proponent* of the initiative. The City Clerk shall then present the *petition*, with the certification attached, to the City Council at the next regular City Council meeting at which the matter can be placed on the docket.

(Renumbered from Sec. 27.2515, retitled to *"Notice of Sufficiency of Initiative Petition"* and amended 7-26-1999 by O-18664 N.S.)

§27.1028 Notice of Insufficiency of Initiative Petition

When an initiative *petition* has been certified as insufficient, the City Clerk shall send a notice of insufficiency to the *proponent* of the initiative.

(Renumbered from Sec. 27.2516, retitled to “Notice of Insufficiency of Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1031 Number of Initiative Petition Signatures Required for Presentation to City Council

An initiative *petition* may not be presented to the City *Council* unless it contains the signatures of at least three percent of the *voters*.

(Renumbered from Sec. 27.2502, retitled to “Number of Initiative Petition Signatures Required for Presentation to City Council” and amended 7-26-1999 by O-18664 N.S.)

§27.1032 Action by City Council on Three Percent Initiative Petition

If the initiative *petition* presented to the City *Council* contains the signatures of at least three percent but less than ten percent of the *voters*, the City *Council* shall within ten business days of the date of presentation approve or reject the legislative act as presented, but may not amend it. The City *Council* may submit the *petition* to the *voters*, but is not required to do so.

(Renumbered from Sec. 27.2520, retitled to “Action by City Council on Three Percent Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1033 Number of Initiative Petition Signatures Required for Submittal to Voters

An initiative *petition* is not required to be submitted to the *voters* unless it contains the signatures of at least ten percent of the *voters*.

(Renumbered from Sec. 27.2503, retitled to “Number of Initiative Petition Signatures Required for Submittal to Voters” and amended 7-26-1999 by O-18664 N.S.)

§27.1034 Action by City Council on Ten Percent Initiative Petition

If the initiative *petition* presented to the City *Council* contains the signatures of ten percent or more of the *voters*, the City *Council* shall within ten business days of the date of presentation adopt or reject the legislative act as presented, but may not amend it.

(Renumbered from Sec. 27.2521, retitled to “Action by City Council on Ten Percent Initiative Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1035 Initiated Legislative Act to be Submitted to Voters

If the City *Council* rejects a legislative act proposed by an initiative *petition* containing

the signatures of ten percent or more of the *voters*, or fails to act within the time prescribed by Section 27.1034, then the City *Council* shall within ten business days of the date of the rejection or of the deadline for action prescribed by Section 27.1034, whichever is earlier:

- (a) adopt a resolution of intention to submit the matter to the *voters* at a *special election*; and
- (b) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(Renumbered from Sec. 27.2522, retitled to “Initiated Legislative Act to be Submitted to Voters” and amended 7-26-1999 by O-18664 N.S.)

§27.1036 Direct Submittal of Initiated Legislative Act to Voters Without Petition

When the City *Council* proposes any legislative act for vote, without a *petition* therefor, it shall be submitted to the *voters* at a *special election* scheduled pursuant to Section 27.1037.

(Renumbered from Sec. 27.2523, retitled to “Direct Submittal of Initiated Legislative Act to Voters Without Petition” and amended 7-26-1999 by O-18664 N.S.)

§27.1037 Time for Special Election for Initiated Legislative Act

A *special election* for an initiated legislative act may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a separate *special election* may be called for the purpose of voting on the matter.

(“Time for Special Election for Initiated Legislative Act” added 7-26-1999 by O-18664 N.S.)

§27.1040 Examination Period for Initiative Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the City *Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article. (“Examination Period for Initiative Ballot Materials” added 7-26-1999 by O-18664 N.S.)

§27.1041 Special Election for Initiated Legislative Act to Conform to Other Elections

To the extent practicable, when a legislative act proposed by an initiative *petition* or directly by the City *Council* is submitted to the *voters*, the City *Clerk* shall conduct the

special election in a manner conforming with other *elections*.
(Renumbered from Sec. 27.2530, retitled to “*Special Election for Initiated Legislative Act to Conform to Other Elections*” and amended 7-26-1999 by O-18664 N.S.)

§27.1042 Special Election Not Limited to One Initiated Legislative Act

Any number of legislative acts proposed by initiative *petitions* or directly by the City *Council* may be submitted to the *voters* at a single *special election*.
(Renumbered from Sec. 27.2529, retitled to “*Special Election Not Limited to One Initiated Legislative Act*” and amended 7-26-1999 by O-18664 N.S.)

§27.1043 Voter Adoption of Initiated Legislative Act

Except as provided in the California Constitution or the San Diego City Charter, any legislative act proposed by an initiative *petition* or directly by the City *Council* shall be adopted by majority vote.
(“*Voter Adoption of Initiated Legislative Act*” added 7-26-1999 by O-18664 N.S.)

§27.1044 Conflicting Provisions in Initiated Legislative Acts

If the provisions of two or more legislative acts proposed by initiative *petitions* or directly by the City *Council* and adopted at a single *special election* conflict, only the act receiving the highest number of votes shall take effect.
(“*Conflicting Provisions in Initiated Legislative Acts*” renumbered from Sec. 27.2527 and amended 7-26-1999 by O-18664 N.S.)

§27.1045 Effective Date of Initiated Legislative Act Following Special Election

A legislative act proposed by an initiative *petition* or directly by the City *Council* which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date of the *special election*. It shall be effective thirty calendar days after the date of the *special election*, or at the time indicated in the legislative act, whichever is later.
(Renumbered from Sec. 27.2526, retitled to “*Effective Date of Initiated Legislative Act Following Special Election*” and amended 7-26-1999 by O-18664 N.S.)

§27.1048 Referendary Provisions Applicable to Initiated Legislative Acts

Any legislative act proposed by an initiative *petition* and adopted by the City *Council*, or any legislative act submitted to the *voters* by the City *Council* with or without

having first received a qualifying *petition* therefor, that has been adopted by the *voters*, shall be subject to the referendary provisions of this article.

(Renumbered from Sec. 27.2525, retitled to "Referendary Provisions Applicable to Initiated Legislative Acts" and amended 7-26-1999 by O-18664 N.S.)

§27.1049 Amendment and Repeal of Initiated Legislative Acts

Unless the legislative act provides otherwise, any legislative act proposed by an initiative *petition* or directly by the *City Council* and adopted by the *voters* may be amended or repealed only by a vote of the requisite number of *voters* or by Charter amendment.

("Amendment and Repeal of Initiated Legislative Acts" renumbered from Sec. 27.2528 and amended 7-26-1999 by O-18664 N.S.)

§27.1050 Action by Petition to Amend or Repeal Initiated Legislative Acts

(a) A *proponent* seeking to repeal, rescind or amend any legislative act previously proposed by an initiative *petition* and adopted by the *voters* shall use the procedures outlined in this division regarding an initiative *petition* containing the signatures of at least ten percent of the *voters* of The City of San Diego. Should such a *petition* be presented to the *City Council*, then the *City Council* shall within ten business days of the date of presentation:

- (1) adopt a resolution of intention to submit the matter to the *voters* at a *special election*; and
- (2) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(b) The *special election* may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a *special election* may be called for the purpose of voting on the matter.

("Action by Petition to Amend or Repeal Initiated Legislative Acts" added 7-26-1999 by O-18664 N.S.)

§27.1051 Action by City Council to Amend or Repeal Initiated Legislative Acts

In addition to the authority granted to the *City Council* by Section 27.1001 of this article, the *City Council* may submit to the *voters* any proposed legislative act which would repeal, rescind or amend any legislative act which the *voters* have previously adopted by virtue of a *special election* held pursuant to the initiative provisions of this article. The *City Council* shall not commence proceedings for such submittal for a

period of one year following the adoption of the legislative act by the voters.
(Renumbered from Sec. 27.2531, retitled to “Action by City Council to Amend or Repeal Initiated Legislative Acts” and amended 7-26-1999 by O-18664 N.S.)

